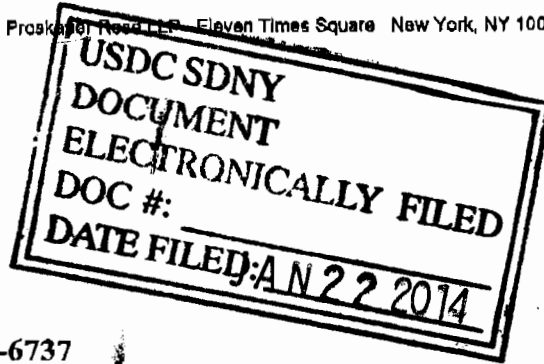


Proskauer

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January 21, 2014

By Facsimile - 212-805-6737

Honorable George B. Daniels
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

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SO ORDERED:

George B. Daniels
George B. Daniels, U.S.D.J.

JAN 22 2014

Re: *In re Literary Works in Electronic Databases Copyright Litigation*, 1:00-md-1379 -GBD

Dear Judge Daniels:

Counsel for all parties are looking forward to the hearing scheduled for tomorrow morning. The storm that began this morning, however, has complicated arrangements for the hearing. Each of the counsel representing plaintiffs – including Michael Boni, who was to appear for the subclasses with claims for registered works, and Charles Chalmers, who was to appear for claims for unregistered works – work far away from New York, and cannot get to the Courthouse. (Mr. Chalmers emailed early today to advise that all San Francisco flights to New York had been cancelled). Moreover, most of the counsel for defendants cannot get to the Courthouse as well (either at all, in some cases, or safely, in others).

The Court had earlier granted leave for the conference to be available by conference call, on the assumption that the lead attorneys would appear in person. At present, however, I am constrained to request – on behalf of all parties – that all counsel be allowed to appear by conference call, which Mr. Boni will organize. (Once he has counsel on the conference call, he would conference in the Court at 212-805-6741

If the Court concludes that it prefers that at least one counsel appear in person, I would make my way to the Courthouse to do so.

Finally, plaintiffs' counsel have asked me to forward to the Court a copy of the proposed Order granting preliminary approval, which they would have handed up in person tomorrow but for the storm. I am advised that the changes from the draft order attached to the motion papers are extremely minor, and Mr. Boni can identify them tomorrow if requested to do so.

Very truly yours,

Charles S. Sims
Counsel for Defendant Reed Elsevier, Inc.
cc: All counsel, by email